

ARGENTINA 2021 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Argentina is a federal constitutional republic. In October 2019 Alberto Fernandez was elected president in elections that local and international observers considered generally free and fair. On November 14, the country held midterm municipal, provincial, and federal elections. Voters elected one-half of the members of the Chamber of Deputies, representing all the provinces and the autonomous city of Buenos Aires, and one-third of the members of the Senate, representing eight provinces.

Federal, provincial, and municipal police forces share responsibility for law enforcement and maintenance of internal security. All federal police forces report to the Ministry of Security, while provincial and municipal forces report to a ministry or secretariat within their jurisdiction. Civilian authorities maintained effective control over the security forces. There were credible reports that members of the security forces committed some abuses.

Significant human rights issues included credible reports of unlawful and arbitrary killings, including extrajudicial killings; torture or cruel, inhuman, or degrading treatment or punishment by federal and provincial officials; harsh and life-threatening prison conditions; serious problems with the independence of the judiciary; serious government corruption; violence motivated by anti-Semitism; and the existence of the worst forms of child labor.

The government took limited steps to identify, investigate, prosecute, and punish officials who committed human rights violations and corruption.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were several reports that the government or its agents committed arbitrary or

unlawful killings.

On May 29, Gianfranco Fleita Cardozo died after a violent arrest by local and provincial police in Tigre, Buenos Aires Province, for violating curfew. Video of the event shared on social media appeared to show 10 local officers beating Cardozo on the ground. Cardozo died while being transferred to a hospital. As of August, 11 officials faced charges of unlawful harassment and coercion, punishable by up to five years in prison. Lawyers representing Cardozo's family requested more severe charges, accusing the officers of torture. As of October, the case was pending.

In May authorities arrested nine police officers for the May 2020 disappearance and death of Luis Espinoza in Tucuman Province. Espinoza and his brother were beaten by police officers at an illegal checkpoint and then shot at when they fled. Authorities found Espinoza's body seven days later in a roadside ditch across the provincial border in Catamarca Province with a bullet wound in the back. Authorities issued charges of unlawful deprivation of liberty and aggravated homicide against 11 officers, 10 of whom were in pretrial detention as of August.

In July prosecutors formally accused 13 police officers of various crimes surrounding the August 2020 killing of Valentino Blas Correas, including abuse of authority, obstruction of justice, and providing false testimony. The two officers involved in the shooting, Javier Catriel Almiron and Lucas Damian Gomez, also faced charges of aggravated homicide.

The Committee against Torture of the Buenos Aires Provincial Memory Commission (CPM), an autonomous office established by the provincial government, and a nongovernmental organization (NGO) asserted that investigations into police violence and use of lethal force were limited.

Media reported high levels of violence in Santa Fe Province but noted a slight decline in homicides, with 291 reported through October 31, compared with 321 during the same period in 2020. Press and domestic NGOs, including Insight

Crime, attributed the high homicide rate to drug trafficking and organized crime.

b. Disappearance

There were no reports of disappearances by or on behalf of security forces during the year.

As of November 1, there were no developments in the disappearance of Facundo Astudillo Castro, who disappeared in April 2020 while hitchhiking approximately 75 miles from his home to Bahia Blanca, province of Buenos Aires, shortly after police arrested him for violating the COVID-19 quarantine. Authorities recovered Astudillo's body in a canal four months later, and an autopsy by an internationally respected team of forensic anthropologists could not rule out homicide.

Prosecutors asserted that provincial police officers were their primary suspects, but as of November 1, after 20 months of investigation, they had yet to formally charge any officers.

Authorities continued to investigate and prosecute individuals implicated in disappearances, killings, and torture committed during the 1976-83 military dictatorship and the 1974-76 government of Isabel Peron. On February 18, a federal court found eight individuals guilty of crimes against humanity committed at the former Naval Mechanics School in Buenos Aires; three were sentenced to life imprisonment. On June 10, a federal court gave life sentences to six former members of military counterintelligence related to the 1979 "Montonero Counteroffensive," which resulted in the killing of 12 persons and the disappearance of 70 others.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices; however, there were reports that government officials employed them. The Prosecutor General's Office; the Prison Ombudsman's National Office (PPN), an independent government body that monitors prison conditions; and the CPM reported complaints of torture perpetrated by provincial and federal prison officials, as did local and international

NGOs.

As of July the PPN had recorded 116 cases of torture or mistreatment. Although the PPN created a National Registry of Cases of Torture in 2010, its reporting remained largely limited to the city and province of Buenos Aires (home to approximately 46 percent of the population).

In May local authorities sent to trial the case involving the 2020 torture and sexual abuse of 14 female detainees at the third commissary in the municipality of La Matanza, with 14 officers facing charges of sexual abuse and abuse of authority and six others charged with obstruction of justice. As of November 1, the case was pending.

Impunity remained a significant problem in security forces at all levels. Corruption and a slow, politicized judicial system impeded efforts to investigate abuses. The government generally denounced reported abuses and took efforts to train military and police forces at all levels on human rights, including through online training during the COVID-19 pandemic.

Prison and Detention Center Conditions

Prison conditions were harsh and life threatening due to overcrowding, poor medical care, and unsanitary conditions. There were reports of forced transfers and the recurrent use of solitary confinement as a method of punishment, particularly in the province of Buenos Aires.

Physical Conditions: Prison overcrowding remained a problem. According to the Special Prosecutor's Office for Institutional Violence, the federal penitentiary system was at 93.5 percent capacity, holding an estimated 11,400 prisoners. As of April, however, Buenos Aires provincial penitentiaries held 45,374 inmates in facilities initially designed for 24,000, according to the Center for Legal and Social Studies. Many pretrial detainees were held with convicted prisoners.

Overcrowding in juvenile facilities often resulted in minors being held in police station facilities, although some NGOs and the national prison ombudsman noted

the law prohibits doing so.

Women's prisons were generally less violent, dangerous, and overcrowded than men's prisons.

The Federal Penitentiary Service reported 58 inmate deaths in federal prisons in 2020, of which 17 were violent. By contrast the CPM stated that 178 prisoners died in the province of Buenos Aires during 2020, of which 52 were due to health problems. There were also seven homicides and 13 suicides.

According to the Center for Legal and Social Studies and other human rights organizations and research centers, inmates in many facilities also suffered from poor nutrition; inadequate medical and psychological treatment; inadequate sanitation, heating, ventilation, and light; limited family visits; and frequent degrading treatment. The CPM reported 6,664 cases of health neglect during 2020 in provincial detention facilities, including deficient health care, inadequate diet, lack of medication, and lack of medical attention.

Administration: Authorities sometimes conducted investigations of credible allegations of mistreatment. According to local NGOs, prisoners occasionally did not submit complaints to authorities due to fear of reprisal.

Independent Monitoring: The government generally permitted monitoring by independent local and international human rights observers.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government generally observed these requirements.

Arrest Procedures and Treatment of Detainees

Police generally apprehended individuals openly with warrants based on sufficient evidence and issued by a duly authorized official. By law police may detain suspects for up to six hours without an arrest warrant if authorities have a well founded belief the suspects have committed or are about to commit a crime, or if police are unable to determine a suspect's identity. In all cases authorities must

immediately notify the state attorney's office of the arrest. The state attorney may approve detention for up to 72 hours. In exceptional cases a judge may extend detention for another 72 hours. Human rights groups reported that police occasionally arrested persons arbitrarily, detained suspects longer than the law permitted, or did not follow proper notification procedures.

The law provides detainees with the right to a prompt determination of the legality of their detention by a lower criminal court judge who determines whether to proceed with an investigation. In some cases there were delays in this process and in informing detainees of the charges against them.

The law provides for the right to bail except in cases involving flight risk or risk of subornation of justice.

Authorities allowed detainees prompt access to counsel and provided public defenders if they were unable to afford counsel. In some cases such access was delayed due to an overburdened judicial system.

Arbitrary Arrest: Local NGOs reported that police on occasion arrested and detained citizens arbitrarily.

In January international and domestic human rights organizations criticized strict COVID-19 related quarantine measures in Formosa Province. The provincial government closed Formosa's borders in March 2020 and enforced quarantines of up to one month at heavily guarded centers with poor hygiene and little food. Amnesty International Argentina reported that provincial security forces at all hours rounded up individuals confirmed or suspected of carrying COVID-19 and placed them in sanitary isolation centers, often separating minors from their parents. Provincial authorities held COVID-positive individuals with unconfirmed cases, placing them at high risk of exposure. Amnesty said that in the isolation centers, authorities performed nasal swabs on patients without consent and often failed to share test results. On January 21, provincial authorities arrested two local politicians who attempted to visit a center. Following calls by human rights organizations, national Human Rights Secretary Horacio Pietragalla visited the province on January 27 and 28 and stated he had observed no "systematic violation of human rights," adding, "The isolated persons have air conditioning, the food is

good, and their complaint is they lack information about the duration [of their isolation].” The press and human rights organizations criticized Pietragalla’s comments as misinformed and incorrect.

Pretrial Detention: The law provides for investigative detention of up to two years for indicted persons awaiting or undergoing trial; the period may be extended by one year in limited circumstances. The slow pace of the justice system often resulted in lengthy detentions beyond the period stipulated by law. According to official statistics, almost half of the 11,397 individuals detained in federal facilities in June, representing 49 percent of the federal prison population, had yet to face trial.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, but government officials at all levels did not always respect judicial independence and impartiality. According to domestic NGOs, judges in some federal criminal and ordinary courts were subject at times to political manipulation.

Trial Procedures

The law provides for the right to a fair and public trial, and an independent judiciary generally enforced this right.

Defendants enjoy the right to be presumed innocent; be informed promptly of the charges; communicate with an attorney of their choice (or have one provided at public expense if unable to pay); receive free assistance of an interpreter; confront prosecution or plaintiff witnesses and present one’s own witnesses and evidence; not be compelled to testify or confess guilt; and to appeal. Lengthy delays, procedural logjams, long gaps in the appointment of permanent judges, inadequate administrative support, and inefficiency hampered the judicial system. Judges’ broad discretion on whether and how to pursue investigations contributed to a public perception that many decisions were arbitrary.

A code of federal criminal procedure passed in 2018 replaced the country’s hybrid federal inquisitive system with an accusatory system, but the implementation of the new system was indefinitely delayed. In 2019 Salta and Jujuy Provinces

implemented the accusatory system at the federal level, but the bicameral congressional commission in charge of implementing the rollout had yet to begin the transition process in any other provinces. The new code generally requires cases to be brought to trial within one year and resolved within three years. It also implements the use of new investigative techniques and expands victims' rights. Prosecutors in provinces implementing the new code reported cases that previously took years could now be adjudicated in months. The code transfers investigative responsibilities from magistrates to prosecutors, with assistance from law enforcement investigators.

Many provincial court systems operated under the accusatory system, and a minority had jury trials. Full implementation of trial by jury procedures at the provincial level remained pending in Santa Fe and Catamarca. The provinces of Neuquen, San Juan, Mendoza, Salta, Chaco, Chubut, Entre Rios, Rio Negro, and Buenos Aires provided defendants accused of certain serious crimes the right to a trial by jury. As of November there were no jury trials for federal cases.

Political Prisoners and Detainees

There were no credible reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Citizens have access to the courts to bring lawsuits seeking damages or the protection of rights provided by the constitution. They may also appeal adverse decisions domestically or to regional human rights bodies, to include the Inter-American Commission on Human Rights.

Property Seizure and Restitution

The country endorsed the 2009 Terezin Declaration, which called on countries to provide for the restitution of property wrongfully seized during the Holocaust, provide access to archives, and advance Holocaust education and commemoration. There were no known claims for movable or immovable property in the country, and it has no restitution laws. The Argentine Commission of Inquiry into the Activities of Nazism, created in 1997, concluded that no looted art was held by the Museo Nacional de Bellas Artes, although the commission admitted that it had not

checked any other state-run museum and that it faced difficulties researching the activities of the country's art market during the Holocaust. The Department of State's Justice for Uncompensated Survivors Today (JUST) Act report to Congress, released publicly in July 2020, can be found on the Department's website: <https://www.state.gov/reports/just-act-report-to-congress/>.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions, and there were no reports that the government failed to respect these prohibitions.

As of October, formal investigations continued regarding possible illegal espionage during the administration of former president Mauricio Macri. Among the suspects were the former heads of Argentine Federal Intelligence Gustavo Arribas and Silvia Majdalani and other officials. Members of the intelligence agency were accused of having illegally monitored the activities and private communications of politicians (from ruling and opposition parties), journalists, labor leaders, and religious figures. On April 20, a bicameral congressional committee published a report on the case, which stated that the former administration committed illegal espionage against 354 individuals and 171 political organizations.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution provides for freedom of expression, including for members of the press and other media, and the government generally respected this right. An independent media, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for members of media.

Freedom of Expression for Members of the Press and Other Media, Including Online Media: Independent media were active and expressed a wide variety of

views without restriction.

The Committee to Protect Journalists, Argentine Media Corporations Association (ADEPA), and Argentine Journalism Forum (FOPEA) denounced President Fernandez's March remarks before congress, in which he argued that there was "a perverse system in which judges, prosecutors, supposed spies, and journalists intermingle in order to illegally pursue detained persons and to mount judicial extortion." Both organizations asserted that Fernandez's comments were meant to intimidate and stigmatize the press and to discredit journalistic investigations.

In August a federal judge dismissed charges of illicit association and illegal espionage against journalist Daniel Santoro of the *Clarín* newspaper, citing lack of evidence. The allegations originated in 2019 following disclosure of Santoro's connections with Marcelo D'Alessio, whom authorities charged with extortion after he allegedly posed as a lawyer and threatened individuals with negative media coverage. Santoro asserted that D'Alessio was a journalistic source. ADEPA and FOPEA repeatedly denounced the accusations against Santoro.

Violence and Harassment: There were reports of physical attacks, threats, and harassment against journalists.

In March a group of persons identified with a labor union attacked the offices of the newspaper *Río Negro* in the city of General Roca. The attackers assaulted a photographer and receptionist, threatened staff, and damaged equipment after the newspaper published an article on its investigation into sexual abuse accusations against one of the union members.

In April Neuquén provincial police handcuffed and arrested journalist Agustín Aguilar while he was reporting live on radio regarding a violent incident incited by members from a local union inside the headquarters of his media organization, Grupo Prima.

FOPEA reported eight alleged physical attacks against journalists in 2020, compared with 27 in 2019. Six cases involved physical assaults on journalists covering demonstrations in the city of Buenos Aires and in the provinces of

Corrientes, Mendoza, Cordoba, Santa Fe, and Rio Negro.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedoms of Peaceful Assembly and Association

The constitution provides for the freedoms of peaceful assembly and association, and the government generally respected these rights, with some exceptions.

At times police used force to disperse demonstrators. On March 5, provincial authorities in the city of Formosa ordered local police to disperse demonstrators protesting restrictions implemented in response to the COVID-19 pandemic. Police used sticks, tear gas, and rubber bullets against demonstrators. National government officials, as well as local and international NGOs, expressed concern regarding the harsh measures.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

Beginning in March 2020, the government of Formosa Province restricted the ability of residents and visitors to enter and circulate within the province due to the COVID-19 pandemic. In March a federal court in Formosa ordered the governor to allow free movement within the province to any individual with a negative test

for the disease. The judges' ruling noted that the "illegitimate and unreasonable" provincial actions threatened citizens' human rights and conflicted with national law.

e. Status and Treatment of Internally Displaced Persons

Not applicable.

f. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, as well as other persons of concern.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. Decisions on asylum petitions can take up to two years to adjudicate.

As of June the International Organization for Migration (IOM) reported 5,748 Venezuelan migrants had arrived in the country, while approximately 8,300 had departed. Between January and June, the IOM reported 49,852 Venezuelans received permanent residency status in Argentina and 9,020 received temporary residence. The National Commission for Refugees received 1,509 requests for refugee status in 2020, approximately 47 percent fewer than in 2019, and adjudicated 116.

Access to Basic Services: According to UNHCR's regional representative, due to the COVID-19 pandemic and the resulting restrictions on freedom of movement and association, refugees and migrants continued to lose jobs and livelihoods. Many migrants did not have access to national social programs because they did not have the required documentation or did not meet the requisites.

In July the interior minister signed a change in regulations to allow approximately 6,800 Venezuelan minors to regularize their migration status and receive an identification card. With the card, the minors would be eligible for health,

education, and work benefits, as well as a two-year residency permit.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: Alberto Fernandez was elected president in 2019 in elections generally considered free and fair. On November 14, the country held midterm municipal, provincial, and federal elections. Voters elected one-half of the members of the Chamber of Deputies, representing all of the provinces and the city of Buenos Aires, and one-third of the members of the Senate, representing eight provinces. Local and international observers considered the elections generally free and fair.

Participation of Women and Members of Minority Groups: No laws limit participation of women and members of minority groups in the political process, and they did participate. The law requires an electoral list of candidates for national legislative office to contain equal percentages of male and female candidates. The law also states that in the case of the resignation, temporary absence, or death of an elected official, the replacement must be the same gender. The city of Buenos Aires and the provinces of Buenos Aires, Cordoba, Santiago del Estero, Rio Negro, Catamarca, Santa Cruz, Mendoza, Chaco, Misiones, Formosa, Salta, Chubut, Neuquen, and Santa Fe have gender parity laws pertaining to candidates for provincial and municipal bodies. Enforcement of these laws was weak and limited, however, and results were uneven among the provinces.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and the government did not implement the law effectively. There were numerous reports of government corruption during the year. Weak institutions and an often ineffective

and politicized judicial system undermined systematic attempts to curb corruption.

Corruption: Several corruption-related investigations against sitting and former high-ranking political figures, including Vice President Cristina Fernandez de Kirchner and former president Mauricio Macri, were underway as of September. In 2019 a federal judge sent to trial the corruption scandal known as “the notebooks case.” Fernandez de Kirchner and 52 other defendants were accused of receiving kickbacks, paying kickbacks, or both on public works contracts between 2008 and 2015 when Fernandez de Kirchner was president. Prosecutors estimated the total value of the bribery scheme at \$160 million. Fernandez de Kirchner and her children faced four other financial corruption cases as of November. According to local media, court officials expected pandemic-related delays would continue to delay trials in some of these cases.

In May an appeals court rejected an extraordinary appeal from former planning minister Julio de Vido, upholding a 2018 sentence of five years and eight months for fraud, misuse of funds, and lack of oversight related to a 2012 train accident that killed 52 persons. De Vido also faced charges in the “notebooks” case and others related to his management of public works projects.

Corruption and official complicity occurred in some security forces. The most frequent abuses included extortion of, and protection for, those involved in drug trafficking, human trafficking, money laundering, and the promotion of prostitution. Allegations of corruption in provincial and federal courts were also frequent.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials often were cooperative and generally responsive to their views.

Government Human Rights Bodies: The government has a human rights

secretariat within the Ministry of Justice and Human Rights. Its main objective is to coordinate within the ministry and collaborate with other ministries and the judiciary to promote policies, plans, and programs for the protection of human rights. It published leaflets and books on a range of human rights topics.

NGOs argued that the government's failure to fill the post of national ombudsman, vacant since 2009, undermined the office's mandate to protect human rights.

The Prosecutor General's Office of Crimes against Humanity investigated and documented human rights violations that occurred under the 1976-83 military dictatorship.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: Rape of men and women, including spousal rape, is a crime. The penalties range from six months' to 20 years' imprisonment, depending on the ages of the perpetrator and victim, their relationship, the use of violence, and other factors. Most perpetrators received penalties between six and 15 years' imprisonment. There were anecdotal reports of police or judicial reluctance to act on rape cases; women's rights advocates alleged the attitudes of police, hospitals, and courts toward survivors of sexual violence sometimes victimized them again, often by forcing them to recount details of their trauma, conflating silence with consent, or admitting as evidence their past sexual history.

The law prohibits domestic violence, including spousal abuse. Survivors may secure protective measures. The laws were generally enforced, and survivors generally had access to protective measures. The law imposes a stricter penalty than murder on those who kill their spouses, partners, or children as a consequence of their gender. According to local NGOs, lack of police and judicial vigilance often led to a lack of protection for victims. The law requires all federal employees to receive training on gender and gender-based violence. The law was enforced, including for cabinet-level officials and the president. In June training on gender and gender-based violence also became a requirement for all persons

applying for their first driver's license.

The National Register of Femicides, maintained by the Supreme Court's Office of Women, recorded that 287 women died because of domestic or gender-based violence during 2020. As of June 30, the National Ombudsman's Office reported 137 women had died due to violence. Approximately 18 percent of the victims had previously filed formal complaints.

The ministry operated a 24-hour hotline for victims of gender-based violence and created emergency WhatsApp and email contact channels for victims unable to use the telephone. The Supreme Court's Office of Domestic Violence provided around-the-clock protection and resources to victims of domestic violence. The office also carried out risk assessments necessary to obtain a restraining order. Public and private institutions offered prevention programs and provided support and treatment for abused women. A national network of shelters included 89 facilities. The law provides for the financial support of children who lost their mothers to gender-based violence; however, many families complained of delays in receiving payment. As of April an estimated 860 children and young adults had received support through the program.

Sexual Harassment: The law prohibits sexual harassment in public spaces and imposes disciplinary or corrective measures. In some jurisdictions, such as the city of Buenos Aires, sexual harassment could lead to the abuser's dismissal, whereas in others, such as Santa Fe Province, the maximum penalty is five days in prison. The law does not prohibit sexual harassment in employment more broadly.

In December 2020 a new law entered into force that condemns harassment, especially sexual harassment, in work environments, both in the public and private sectors. This law effectively follows the precepts of the International Labor Organization's Convention 190 on Eliminating Violence and Harassment in the World of Work.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

With the slogan "End Forced Sterilizations," several human rights organizations launched a campaign in October 2020 to change a 2006 law they argued had led to

the sterilizations of many persons with disabilities without their consent. The law was written to provide all citizens with access to certain surgical contraceptive measures but allows legal representatives to provide consent for any individual declared legally incompetent. The organizations argued that this loophole, along with broad societal acceptance of forced sterilizations of individuals with disabilities, had led to extensive use of the practice.

Access to sexual and reproductive health services, information, and contraception was generally available, although access could be limited for indigenous or rural populations. Local media reported that indigenous pregnant women in Formosa Province were being forcibly taken to hospitals to induce their labor and have cesarean sections performed because of COVID-19 protocols. In April the Inter-American Commission on Human Rights issued a resolution suspending these protocols while an investigation could be conducted. The Inter-American Court of Human Rights lifted the commission's measures on July 11, noting that at least five of the seven women had given birth and that their representatives had yet to provide sufficient proof of their allegations. Legal representatives supporting the women said they were partly unable to gather testimony and evidence because witnesses were afraid of reprisals from state and national authorities.

The government provided access to sexual and reproductive health services for survivors of sexual violence, including emergency contraception as part of clinical management of rape.

In August the National Directorate of Sexual and Reproductive Health reported that authorities in Salta Province were unable to meet demand for health-care services, noting that 25 percent of the calls they received from Salta on their national hotline represented women and girls who were unable to access abortions in due time and form. In addition, social and cultural barriers adversely affected access. There were reports that provincial health-care providers and facilities, especially in remote and conservative regions, intentionally delayed and obstructed access to abortion. In December 2020 congress legalized abortion up to the 14th week of gestation. After this period the law permits medical professionals to perform abortions only in the case of rape or danger to the life of the mother.

Discrimination: The constitution provides the same legal status and rights for

women and men and prohibits discrimination in employment based on gender. The government generally enforced the law, although discrimination remained a persistent and pervasive problem in society.

The Supreme Court's Office of Women trained judges, secretaries, and clerks to handle court cases related to gender problems and to provide equal access for women to positions in the court system. The office also trained judges, prosecutors, judicial staff, and law enforcement agents to increase awareness of gender-related crimes and develop techniques to address gender-related cases and victims.

Women are not able to work in all the same industries as men; there are restrictions on their employment in the mining, manufacturing, and transportation sectors. There are also restrictions on women working in jobs deemed hazardous or arduous.

Systemic Racial and Ethnic Violence and Discrimination

The law prohibits any type of discrimination based on race, social conditions, gender, religion, socioeconomic status, or ethnicity group and subscribes to the International Convention on the Elimination of All Forms of Racial Discrimination.

Groups representing indigenous and afrodescendant peoples reported that their communities received discriminatory treatment from police and security forces. A 2019 report by the UN Working Group of Experts on People of African Descent noted that "the experiences of people of African descent with law enforcement indicate the prevalence of structural discrimination. As reported by civil society, racial profiling of Afro-Argentines, persons of African descent, and Africans was prevalent among law enforcement agents."

The government undertook actions to raise the profile of citizens of African descent and to address concerns. On June 24, it inaugurated the Federal Advisory Council of the Afro-Argentine Community. On November 1, the National Institute against Discrimination, Xenophobia, and Racism (INADI) convened a national

meeting of Afro-Argentine community organizations.

Through INADI the government enforces the law by processing public complaints, formally denouncing violations in court, and creating public programs to address discrimination. Domestic NGOs generally agreed that INADI was ineffective in providing meaningful solutions to their concerns.

Indigenous Peoples

The constitution recognizes the ethnic and cultural identities of indigenous peoples and states that congress shall protect their right to bilingual education, recognize their communities and the communal ownership of their ancestral lands, and allow for their participation in the management of their natural resources.

A 2020 study conducted by researchers from eight universities examined the situation of 27 indigenous groups and found that indigenous persons were more likely to be employed informally than the general public (70 percent, compared with 44 percent). The study noted that indigenous persons in rural areas often could not access social service programs and that their communities lacked basic infrastructure, including clean water.

The lack of trained teachers hampered government efforts to offer bilingual education opportunities to indigenous peoples.

Indigenous peoples were not fully consulted in the management of their lands or natural resources, particularly lithium, in part because responsibility for implementing the law is delegated to the 23 provinces, the constitutions of only 11 of which recognize indigenous rights.

In August members of several Mapuche communities protested contamination and fracking in the Vaca Muerta region of Neuquen Province, demonstrating in front of the regional offices of the state oil company and blocking roads that provided access to key oil-producing zones. Protesters noted their communities lacked access to clean water while the oil companies used large quantities in their fracking operations.

Projects carried out by the agricultural and extractive industries displaced

individuals, limited their access to traditional means of livelihood, reduced the area of lands on which they depended, and caused pollution that in some cases endangered the health and welfare of indigenous communities. Conflict occurred when authorities evicted indigenous peoples from ancestral lands then in private ownership.

Children

Birth Registration: The government provides universal birth registration, and citizenship is derived both by birth within the country's territory and from one's parents. Parents have 40 days to register births, and the state has an additional 20 days to do so. The Ministry of Interior and Transportation may issue birth certificates to children younger than age 12 whose births were not previously registered.

Child Abuse: By law sexual abuse of a child is a punishable offense, with sentences of up to 20 years in prison. Physical harm to a child is punishable with up to 15 years in prison. Child abuse was common; the Supreme Court's Office of Domestic Violence reported that approximately 30 percent of the complaints it received between January and March involved children. The government maintained a 24-hour hotline staffed by professional child psychologists for free consultations and advice.

Child, Early, and Forced Marriage: Children older than age 16 are legally allowed to marry if they have parental permission. Children younger than 16 are required to obtain judicial authorization in addition to parental consent.

Sexual Exploitation of Children: The law prohibits the commercial sexual exploitation of children and the sale, offering, or procuring of children for prostitution. Authorities generally enforced the law; however, sexual exploitation of children, including in prostitution, was a problem. The minimum age of consensual sex is 13, but there are heightened protections for children ages 13 to 16. A statutory rape law provides for penalties ranging from six months to 20 years in prison, depending on the age of the victim and other factors.

In May, after numerous delays since June 2020, a trial began for two nuns and seven former employees of a group of schools for hearing-impaired children, the

Antonio Provolo Institutes. A reported 67 students claimed abuses between 1983 and 2002. As of November, the trial continued.

The law prohibits the production and distribution of child pornography, with penalties ranging from six months to four years in prison. Possession of child pornography is a criminal offense.

Prosecutors from the nationwide Point of Contact Network against Child Pornography on the Internet pursued cases of internet child pornography. The city of Buenos Aires Public Ministry's Judicial Investigative Bureau served as the primary point of contact for receiving and distributing child pornography leads from the National Center for Missing and Exploited Children to prosecutors and police forces across the country.

In June authorities conducted a series of 71 raids nationwide, arresting 31 individuals for suspected involvement in the distribution of child pornography. The raids formed part of a multinational effort and coincided with arrests in Panama, Ecuador, Colombia, Brazil, Paraguay, and the United States.

In August federal police with investigative support arrested a man in Junin, Buenos Aires Province, for distributing child pornography.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

Estimates of the size of the Jewish community varied, but the most recent data available, published by the Berman Jewish Databank, estimated the population at 180,000 in 2019. Sporadic acts of anti-Semitic discrimination and vandalism continued. The Delegation of Argentine Jewish Associations (DAIA) recorded 507 complaints of anti-Semitism in 2020, compared with 918 in 2019, a 45 percent decrease. DAIA attributed the drop, especially in acts of physical violence, to COVID-19 lockdowns and the reduced frequency of encounters between Jewish

persons and individuals holding anti-Semitic sentiments. The most commonly reported anti-Semitic incidents were slurs posted on various websites, often in relation to news articles. Other incidents included graffiti and verbal slurs.

In June the Israeli ambassador remarked during a panel at the College of Law at La Plata that Argentina was not fulfilling its trade obligations by restricting shipments of meat to Israel. In response, owner of a chain of butcher shops and former politician Alberto Samid tweeted that “the best that could happen is that the Jews no longer buy meat from us... the world does not want to sell them anything. They are a disaster as clients.”

Trafficking in Persons

See the Department of State’s *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

The constitution and laws prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities. The government generally enforced the law, but there were scattered reports of discrimination. Various government agencies offered a variety of services and programs to individuals with disabilities, including community-based rehabilitation programs, sports and recreation facilities, braille translation services, legal services, and a variety of pensions and subsidies. The law also mandates access to buildings by persons with disabilities. The city continued to install new elevators and escalators and to repair existing ones.

While the federal government has protective laws, many provinces had not adopted such laws and had no mechanisms to ensure enforcement. An employment quota law reserves 4 percent of federal government jobs for persons with disabilities.

In August President Fernandez and the National Disability Agency launched the ACCESS Plan to construct more accessible cities and ensure that persons with disabilities could access government services. The initiative also aims to restore government payments for persons with disabilities who were deemed ineligible in prior years, and to expand the eligibility criteria. Under these new criteria, 110,000

newly identified persons with disabilities would qualify for government assistance, according to administration estimates.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity

The National Observatory of Hate Crimes registered 69 official complaints of hate crimes against lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) individuals and six killings in the first half of 2020. The numbers were comparable with the same period in 2019.

National antidiscrimination laws do not specifically include the terms “sexual orientation or gender identity” as protected grounds, only “sex.” There was no reported official discrimination, however, based on sexual orientation or gender identity in employment, housing, or access to education. There were some cases of discrimination based on sexual orientation or gender identity in access to health care. Officials from the Ministry of Women, as well as media and NGOs, reported cases of discrimination, violence, and police brutality toward LGBTQI+ individuals, especially transgender persons.

In September 2020 President Fernandez decreed that at least 1 percent of the positions in public administration must be held by transvestites, transsexuals, and transgender persons. The Senate implemented a similar decree to regulate its own hiring practices.

In June the Senate passed a law providing access to formal employment for transvestites as well as transgender and transexual individuals. The law provides the same legal protections and privileges for transgender persons in the workplace as for cisgender persons, such as paid vacation and retirement provisions.

On July 21, the government formally recognized nonbinary identities through a presidential decree. The decree allows individuals to list an “X” for gender on

national identity documents.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the rights of workers to form and join independent unions, bargain collectively, and conduct legal strikes; the government generally respected these rights. The law prohibits discrimination against unions and protects workers from dismissal, suspension, and changes in labor conditions. It also prohibits military and law enforcement personnel from forming and joining unions. The government effectively enforced the law, and penalties were commensurate with those for other laws involving denials of civil rights, such as discrimination. Complaints of unfair labor practices can be brought before the judiciary. Violations of the law may result in a fine imposed on the employer or the relevant employers' association, as appropriate.

The law allows unions to register without prior authorization, and registered trade union organizations may engage in certain activities to represent their members, including petitioning the government and employers. The law grants official trade union status to only one union deemed the "most representative," defined by law as the union that has the highest average proportion of dues-paying members to number of workers represented, per industrial sector within a specific geographical region. Only unions with such official recognition receive trade union immunity from employer reprisals against their officials, are permitted to deduct union dues directly from wages, and may bargain collectively with recourse to conciliation and arbitration. The most representative union bargains on behalf of all workers in each sector, and collective agreements cover both union members and nonmembers in the sector. The law requires the Ministry of Labor, Employment, and Social Security (Ministry of Labor) to ratify collective bargaining agreements.

The Argentine Workers' Central Union and other labor groups not affiliated with the General Confederation of Labor continued to contend that the legal recognition of only one union per sector conflicted with international standards, namely International Labor Organization (ILO) Convention No. 87 on Freedom of Association and Protection of the Right to Organize, and it prevented these unions

from obtaining full legal standing.

Civil servants and workers in essential services may strike only after a compulsory 15-day conciliation process, and they are subject to the condition that unspecified “minimum services” be maintained. Once the conciliation term expires, civil servants and workers in essential services must give five days’ notice to the administrative authority and the public agency against which they intend to strike. If “minimum services” are not previously defined in a collective bargaining agreement, all parties then negotiate which minimum services will continue to be provided and a schedule for their provision. The public agency, in turn, must provide clients two days’ notice of the impending strike.

Employers generally respected the right to bargain collectively and to strike.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, and the government generally enforced the law. Penalties were commensurate with those for other analogous serious crimes, such as kidnapping.

Despite being prohibited by law, forced labor, including forced child labor, occurred. The Ministry of Labor carried out regular inspections across the country. Efforts to hold perpetrators accountable continued. The Special Prosecutor’s Office for Human Trafficking and Exploitation continued to investigate forced labor complaints; in 2020 it reported four convictions for labor trafficking and indictments of 19 individuals.

Employers subjected a significant number of Bolivians, Paraguayans, and Peruvians, as well as Argentines from poorer northern provinces, to forced labor in the garment sector, agriculture, street vending, charcoal and brick production, construction, domestic work, and small businesses (including restaurants and supermarkets). Traffickers exploited victims from China and South Korea. Chinese citizens working in supermarkets were vulnerable to debt bondage. Traffickers compelled trafficking victims to transport drugs across the country’s borders. Men, women, and children were victims of forced labor, although

victims' typical gender and age varied by employment sector (see section 7.c.).

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The minimum age for employment is 16. In rare cases labor authorities may authorize a younger child to work as part of a family unit. Children ages 16 to 18 may work in a limited number of job categories and for limited hours if they have completed compulsory schooling, which normally ends at age 18. Children younger than 18 cannot be hired to perform perilous, arduous, or unhealthy jobs. The law requires employers to provide adequate care for workers' children during work hours to discourage child labor.

Provincial governments and the municipal government of Buenos Aires are responsible for labor law enforcement. Penalties for employing underage workers were generally sufficient to deter violations.

While the government generally enforced applicable laws, observers noted some inspectors were acquainted or associated with the persons they inspected, and corruption remained an obstacle to compliance, especially in the provinces. Penalties were commensurate with those for other analogous serious crimes, such as kidnapping. In August the Ministry of Labor's *National Program to Build Capacity of Provincial Committees for the Eradication of Child Labor* continued during the year, with the goal of improving national-provincial coordination. By year's end the ministry reported that it had provided advanced tools to combat child labor to 20 of the country's 24 provinces.

Children were engaged in the worst forms of child labor, including in commercial sexual exploitation, sometimes because of human trafficking, including forced labor in domestic servitude, agriculture, and production of garments, and illicit activities such as the transport and sale of drugs. In 2018 the government published the final report from its 2016-17 national child labor survey. The survey found 20 percent of children in rural areas performed at least one form of labor,

while 8 percent of children in urban areas did so.

Similar patterns emerged with adolescents, which the report defined as children ages 16 and 17. The report found 44 percent of adolescents in rural areas and 30 percent in urban areas engaged in at least one form of labor. Principal activities were helping in a business or office; repair or construction of homes; cutting lawns or pruning trees; caring for children, the elderly, or the infirm; helping in a workshop; making bread, sweets, or other food for sale; gathering paper, boxes, cans, and other recyclable material in the street; handing out flyers or promotional materials for a business; cleaning homes and businesses or washing and ironing clothes for others; and cultivating or harvesting agricultural products.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings> and the Department of Labor's *List of Goods Produced by Child Labor or Forced Labor* at <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods>.

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination in employment based on race, religion, nationality, gender, physical characteristics, social or economic status, or political opinion, and the government generally enforced the law. Penalties were commensurate with laws related to civil rights. The most prevalent cases of workplace discrimination were based on disability, gender, and age. Discrimination also occurred based on HIV-positive status and against individuals of indigenous origin. Women are prohibited from working in certain industries; for example, there are restrictions on their employment in the mining, manufacturing, and transportation sectors. There are also restrictions on women working in jobs deemed hazardous or arduous.

Although women enjoyed the same legal status and rights as men, they continued to face economic discrimination, especially during the COVID-19 pandemic. Women held a disproportionately high proportion of low-paying, informal jobs and significantly fewer executive positions in the private sector than men, according to several studies. Although equal pay for equal work is constitutionally mandated, women earned approximately 30 percent less than men earned for equal or similar

work.

e. Acceptable Conditions of Work

Wage and Hour Laws: The minimum wage remained below the official poverty income level for a family of four, despite a 35 percent increase announced in August. Most workers in the formal sector earned significantly more than the minimum wage. The minimum wage generally served to mark the minimum pay an informal worker should receive.

Federal law sets standards in workhours and occupational safety and health (OSH). The maximum workday is eight hours, and the maximum workweek is 48 hours. Overtime pay is required for hours worked in excess of these limits. The law prohibits excessive overtime and defines permissible levels of overtime as three hours a day. Labor law mandates between 14 and 35 days of paid vacation, depending on the length of the worker's service.

The Ministry of Labor, through the National Work Regularization Plan, coordinates law enforcement efforts with the labor authorities at the provincial level in each of the 23 provinces and the city of Buenos Aires. The National Ministry's labor inspection payroll had 324 staffers in 2020, a number ILO estimated insufficient for the workforce size. Inspectors have the authority to make unannounced inspections and to impose fines. Inspectors have a referral process to direct labor crimes, including child labor and forced labor, to the courts.

The law sets premium pay for overtime, adding an extra 50 percent of the hourly rate on ordinary days and 100 percent on Saturday afternoons, Sundays, and holidays. Employees cannot be forced to work overtime unless work stoppage would risk or cause injury, the need for overtime is caused by force majeure, or other exceptional reasons affecting the national economy or "unusual and unpredictable situations" affecting businesses occur. The government enforced these regulations through routine labor inspections and by investigating complaints. Violations were more common among workers in the informal sector, as registered workers often negotiated bargaining agreements through their respective unions. Penalties for violations were commensurate with similar crimes

such as fraud.

Occupational Safety and Health: The Ministry of Labor has responsibility for enforcing legislation related to working conditions. The government sets OSH standards, which were current and appropriate for the main industries in the country. The government effectively enforced OSH laws. Penalties for violations of OSH laws were commensurate with those for crimes such as negligence. The law requires employers to insure their employees against accidents at the workplace and when traveling to and from work. The law requires employers either to provide insurance through a labor-risk insurance entity or to provide their own insurance to employees to meet requirements specified by the national insurance regulator. The law limits the worker's right to file a complaint if the worker does not exhaust compulsory administrative proceedings before specified medical committees.

Laws governing acceptable conditions of work were not enforced universally, particularly for workers in the informal sector (approximately 35 percent of the labor force). The Ministry of Labor continued inspections to ensure companies' workers were registered and formally employed. Inspectors had the authority to make unannounced inspections and to initiate sanctions. The ministry conducted inspections in various provinces, but the Labor Inspectorate employed well below the number of inspectors recommended by the ILO, given the size of the workforce. The Superintendence of Labor Risk served as the enforcement agency to monitor compliance with OSH laws and the activities of the labor risk insurance companies.

Workers could not always recuse themselves from situations that endangered their health or safety without jeopardy to their employment, and authorities did not effectively protect employees in these circumstances. During the first quarter of the year, the Ministry of Labor reported receipt of 110,307 occupational safety complaints related to COVID-19, especially in the manufacturing sector. As a result, the sector surpassed the traditionally more dangerous manufacturing and mining sectors in the number of complaints received.

Informal Sector: The government estimated the share of informal employment at approximately 45 percent of total employment. Domestic workers remained the

most affected by the lack of social protections and enforcement of labor laws. According to some estimates from the ILO, as many as 85 percent of domestic workers were not enrolled in social security. The garment sector had high rates of informal employment, as did small businesses, farms, and construction projects. Analysts reported that the official minimum wage, which is regularly updated to keep pace with inflation, was typically used as the basis for informal-sector wages.

During a government-facilitated drive for registration in the second half of 2020, more than two million workers registered in the government's National Registry for Workers of the Popular Economy. Registration enables workers to benefit from social programs, family subsidies, retirement contributions, coverage for work accidents, and unemployment insurance. In addition, the government began offering a variety of social protection programs for informal workers aimed at securing food nutrition for their children, subsidies for school termination, medical assistance, and monetary incentives to take occupational training. According to a recent National Registry survey, however, only 25 percent of informal sector worker were receiving these benefits.

The government also dissuaded informal employment through penalties for employers, including by limiting their access to government loans and tax exemptions.